



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Maryann Lalley
Brookside Personal Care Home
265 South Sterling Road
South Sterling, Pennsylvania 18460

9/21/15

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Notice of Violation and Information Request, Docket No. 03-2015-022.VS
Brookside Personal Care Home, South Sterling, Pike County, Pennsylvania
PWS ID No. PA2640901

Dear Ms. Lalley:

The following Notice of Violation and Information Request are issued pursuant to Section 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and are a coordinated effort with the Pennsylvania Department of Environmental Protection (PADEP). According to our records, and information we have received from PADEP, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, and the National Primary Drinking Water Regulations (NPDWR) found at 40 CFR Part 141.

Notice of Violation

Based on information we possess:

1. Maryann Lalley (Respondent) is a supplier of water and operator of the Brookside Personal Care Home, public water system (PWS) identification number PA2640901 (System). The System serves a population of at least 25 individuals with piped water for human consumption, for a minimum of 60 days per year, and/or has at least 15 service connections.
2. Respondent is a "person" as defined by Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and 40 CFR § 141.2.
3. Brookside Personal Care home is a non-transient, non-community water system as defined in 40 CFR § 141.2 and is supplied by a ground water source.
4. Respondent failed to monitor asbestos in accordance with 40 CFR § 141.23(a) between January 1, 2011 and December 31, 2013 and has failed to respond to PADEP's Notice of



Violation (NOV) issued February 10, 2014, public notification request issued February 10, 2014, and violation/reminder notice for required monitoring issued January 30, 2014. As stated in 40 CFR § 141.23, each non-transient, non-community water system is required by PADEP to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle.

5. Respondent failed to monitor for nitrates and nitrites in accordance with 40 CFR § 141.23(d) between January 1, 2014 and December 31, 2014 and has failed to respond to PADEP's NOV and public notification request from January 26, 2015. As stated in 40 CFR § 141.23(d), all public water systems shall monitor to determine compliance with the maximum contaminant level for nitrate.
6. For the July, 2014 – January 2015 monitoring periods, respondent failed to provide public notices for violations of national primary drinking water regulations (NPDWR) as listed in items 4 and 5 above in accordance with Part (a) and Table 1 of 40 CFR § 141.204. Respondent must give notice for all violations of NPDWR's and for other situations, including monitoring violations.

Respondent is required to correct each of the above violations. EPA is available to provide advice and technical assistance to help address these issues.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$32,500 per day of violation.

Request for Information

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which the Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 CFR § 1320.3(c)).

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA with the following information about the System:

1. Name and street address of the owner or owners of the System. Do not provide a post office box. If a corporation, provide the names, titles, and addresses of officers. If a cooperative association, please list all property owners and addresses.
2. Name and street address of the operator or operators of the System (and state certification numbers, if applicable) if different than above. Do not provide a post office box. If a corporation, provide the names, titles, and addresses of officers.
3. Number of persons served by the System per day on average.
4. Number of service connections to the System.
5. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation and the dates open.
6. Copies of asbestos monitoring results collected since January 2010 or a copy of a State asbestos monitoring waiver granted pursuant with 40 CFR § 141.23(b)(2).
7. Copies of monitoring results for nitrate and nitrite for all samples collected since 2013.
8. Copies of public notices for the violations of NPDWR between July, 2014 and the present.
9. A copy of any reports forwarded to the State concerning violations, monitoring activities, and public notification.
10. Documentation detailing the identity of the certified operator (certification number, etc.) and how long they have been overseeing the system.

Your response to this Notice of Violation and Request for Information shall be in writing. **Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information.** The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth above, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

You should submit your response to:

Mr. Grant Scavello
U.S. Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, PA 19103-2029
scavello.grant@epa.gov

and

Mr. Todd Ostir
Pennsylvania Department of Environmental Protection
Safe Drinking Water Program
2 Public Square
Wilkes-Barre, PA 18701-1915
tostir@pa.gov

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

If you have any questions regarding any of the above, please contact Mr. Grant Scavello, Ground Water and Enforcement Branch, at (215) 814-5498.

Sincerely,

A handwritten signature in blue ink that reads "Karen D. Johnson".

Karen D. Johnson, Chief
Ground Water and Enforcement Branch
U.S. EPA

cc: Peter Mengak, Leonard Shebby, PADEP

